

REMARKS

This is in response to the office action mailed September 18, 2007. Claims 23 to 28 are currently under examination. A small amendment to claim 23 has been made to define the angle of the water discharge relative to the axis of the channel.

Claims 23 to 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Proffit. The Examiner's rejection reads as follows:

"Proffit discloses a nozzle comprising:

a wall 28;

a first water deflector comprising:

a plurality of apertures;

a second water deflector 58."

First, as will be discussed below, Proffit is not a nozzle (the word "nozzle" does not appear a single time in the entire patent), and, second, Applicant is at a loss to understand why the Examiner will not read the entire claim when rejecting it. The claims have many features and recited configuration other than the elements selected by the Examiner for use in the refusal, but these have been completely ignored.

The new references cited are just as irrelevant, if not more so, than the those previously relied upon by the Examiner.

At the outset, it is pointed out that Proffit is for a swimming pool cleaner. It is not a nozzle, and the word nozzle does not feature even once in the entire patent. Next, if the Examiner had read the entire claim 23, he would have noted that the first deflector comprises apertures which discharge water at different angles. Proffit does no such thing. Next, the Examiner identifies "a second water deflector 58". This is technically wrong. The element 58 is a tubular member 58 and may shift slightly laterally in the body 28, falling in response to gravity. It is not a "deflector" which causes water flow into the apertures comprising the first water deflector, as recited in claim 23. The claim in the present application requires that the second deflector be adjacent the apertures of the first deflector. The Examiner has not even tried to explain how this may be achieved in Proffit.

The Proffit patent has a tube within a tube, one floating within the other. Only the outer tube 28 has holes that are uniform and radial and not directional in construction. The present invention teaches directional holes. Proffit in the Abstract states: "...the cylindrical body includes fluid flow

restricting and turbulence producing structure registered with the inlet end ...". It is baffling and not explained in the office action how the Examiner sees a connection between Proffit and the claimed invention, and analysis of the Proffit patent certainly does not offer any pointers. If the Examiner is finding that ANY holes in a tube are unpatentable, regardless of the nature of the holes and any claimed surrounding elements, such a finding is respectfully considered to be wrong.

The Proffit patent is for a swimming pool cleaner. It is meant to loosen dirt clinging to the side wall and bottom surface of the pool. The claimed invention is a nozzle for discharging water to a surrounding area in a controlled manner using various deflectors and angles of water release to ensure a more even water distribution to the surrounding area for effective watering. Proffit is a reference which has absolutely nothing in common with the nozzle of the invention, and does not have the features and elements specifically recited in the claims as defining the invention.

Claims 23 to 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Genbauffs. The Examiner's wording in rejecting under Genbauffs is IDENTICAL with the wording used in the rejection based on Proffit. Three numbers have been

changed. This despite the fact that Proffit is for a swimming pool cleaner and Genbauffs is for a burner construction (and the claimed invention is for a watering nozzle). Applicant has reason to query whether a full and fair consideration of the claims is being made.

Like Proffit, Genbauffs does not have a water deflector with apertures which can discharge water at different angles. Genbauffs is for a burner, and there is indeed no reason at all to discharge at different angles. Furthermore, the Examiner refers to a first and second "water" deflector in Genbauffs. Genbauffs does NOT mention the word "water" once in the entire patent. The Examiner's identification of a water deflector in Genbauffs therefore leaves Applicant with the impression that he is not receiving a proper technical evaluation of his claimed invention. There does not even seem to be an effort to be serious. To add to this situation, the Examiner rejects under 35 U.S.C. 102(b), which of course requires that the references show *each and every one* of the elements in the claimed invention without the need to speculate or fill in missing features.

Genbauffs does not have a first water deflector. It may have a plurality of gas discharge apertures. Certainly, the apertures show no difference in orientation from one to another, whereas

the claimed invention has apertures which are differently oriented from the others to achieve optimal water dispersal to an area about the nozzle. Genbauffs also does not have a second water deflector as claimed.

The claimed invention addresses the issue of consistent water dispersal over an area about the nozzle using angles of discharge apertures and water deflectors associated therewith to facilitate water flow through the apertures. Applicant does not even know how to meaningfully approach Genbauffs for the purposes of comparison because it so different.

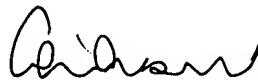
None of the references disclose the apertures as being one above the other and having a discharge orientation at an angle to the axis of the channel. Further, the size of the apertures as claimed is of considerable importance since the relative size determines the amount of water exiting the particular aperture, and the amount of water exiting the aperture must be calculated to ensure consistent area coverage. As such, the size is not merely "knowledge within one of ordinary skill in the art". It is an important parameter which, when taken in combination with other features of the invention, results in a nozzle which is effective and provides even coverage to an area being watered.

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The Examiner is requested to note the numerous major differences between the claimed invention and the references and to allow the claims in this application. In view of the claim amendments and the technical discussion presented herein, favorable reconsideration of the claims and allowance of the application is respectfully requested.

If anything further is required, the Examiner is invited to contact the undersigned at telephone number (818)710-2788.

Respectfully submitted,



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Colin P. Abrahams (Reg. No. 32,393)  
Attorney for Applicant  
5850 Canoga Avenue, Suite 400  
Woodland Hills, California 91367  
Tel(818)710-2788 Fax (818)710-2798

Enclosed: Return postcard

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Colin P. Abrahams